

COMMISSION MEETING MINUTES

Indiana Fire Prevention and Building Safety Commission

Government Center South
402 West Washington Street
Indianapolis, Indiana 46204
Conference Room B

May 4, 2011

1. Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's regular monthly meeting was opened by Chairman David Hannum at 9:05 a.m. on May 4, 2011.

- (a) Commissioners present at the Commission meeting:

Diana M. H. Brenner
Ron Brown
Michael Christoffersen
Michael Corey
David Hannum, Chairman
Todd Hite, representing the Commissioner, Department of Health
John Hawkins
Matt Mitchell
Ted Ogle, Vice-Chairman

- (b) Commissioners not present at the Commission meeting:

Kevin Goeden, representing the Commissioner, Department of Labor

- (c) The following departmental and support staff were present during the meeting:

Legal and Code Services:

Mara Snyder, Director, Legal and Code Services
Shelly Wakefield, Manager, Code Technical Development
Denise Fitzpatrick, Code Specialist
Cecilia Ernstes-Boxell, Code Specialist
John Hibner, Code Specialist
Beth Sutor, Secretary

- (d) James Schmidt, Deputy Attorney General, and Gary Bippus, Administrative Law Judge, were present.

2. Old Business.

Chairman Hannum called for any corrections or a motion to approve the minutes of the April 5, 2011 meeting as distributed. A motion to approve the minutes was made by Commissioner Brenner and seconded by Commissioner Mitchell. It was voted upon and carried.

3. Ordinances.

Building Ordinance No. 2009-2
Markleville, Indiana

Shelly Wakefield, Manager of Code Technical Development, introduced the proposed ordinance, and referred to her memo to the Commission recommending approval. Commissioner Ogle moved to approve, with the second by Commissioner Corey. It was voted upon and carried.

4. Third Party Inspections

Pyramid1, Inc.
19260 Co. Rd. 46
PO Box 463
New Paris, IN 46553

R..R. Arnold & Associates, Inc.
700 E. Beardsley Ave.
PO Box 1081
Elkhart, IN 46515

Mara Snyder, Director of Legal and Code Services, introduced the applications for consideration, and noted the agency recommended approval. Commissioner Corey moved to approve, with the second by Commissioner Mitchell. It was voted upon and carried.

5. Variances.

Tabled Variances.

Variance 11-03-7 PNC Bank, Indianapolis, was to file an addendum with Plan Review. Mara Snyder asked that the application be tabled, unless the addendum was not filed. Commissioner Corey moved to table, with the second by Commissioner Mitchell. It was voted upon and carried. Variance 11-04-8 Markle Reception Center, Markle, was represented by Melissa Tupper, RTM Consultants. She explained that since the second floor had only one exit, the use of Chapter 34 was not an option. She requested permission to lock off the second floor so they would qualify for the use of Chapter 34. They would install fire alarms and smoke detectors on the second floor. When asked about sprinklers, it was noted by Tracy Goetz, owner, that their cost had been estimated at between \$50,000 and \$60,000. Commissioner Hawkins moved to approve, with the second by Commissioner Brenner. It was voted upon and carried. Variance 11-04-10 Youth Inc. Wired Coffee House, Evansville, was represented by Roger Lehman, RLehman Consulting. A revised application to use Chapter 34 using B occupancy instead of an A-3 for the building area evaluated had been submitted, and had been acknowledged by the local fire department. They were to enclose the stairs with 5X drywall, and install rated doors on the rear entry stairway. The vestibule for the second floor stairway is enclosed and separated from the rest of the building. Commissioner Christoffersen suggested that an addendum for the easement for the stairway be written. The occupancy was to be 100, though the calculated occupancy was 119. There is no kitchen in the building. Maintaining a clear path of travel for the exiting was discussed. Commissioner Brenner moved to approve with the conditions that no tables and chairs were to be set up in the lobby, the space directly to the right of the air lock, and that a permanent easement be written for the stairway. Commissioner Hawkins made the second. It was voted upon and carried. Variance 11-04-11 Lakewood Home Assisted Living Facility, Petersburg, was represented by Tom Schroeder. Steve Perrin, Amco Elevators, also addressed the Commission. The request was to use a roped hydraulic elevator in the conversion of a home to an assisted living facility. The device is a vertical wheelchair lift, with enclosed cab, swing door, and constant pressure controls. The home lacks the room for a regulation elevator. There will be buffers in the pit with a stop switch. The car will have a stop switch on top and in the pit. Commissioner Corey moved to approve, with the second by Commissioner Mitchell. It was voted upon and carried. Variance 11-04-24 East Central Apartments, Ft. Wayne, was represented by Todd Harpst, agent for the owner. The

request was for the removal of fire hoses. The 2 two-story buildings had 15 apartments per floor, with two standpipes per floor. The fire department had said they would use their own equipment in an event. Commissioner Mitchell moved to approve, with the second by Commissioner Brown. It was voted upon and carried. Variance 11-04-25 Restaurant and Bakery Remodeling, New Carlisle, was represented by Doug Trent, RTM Consulting. He was assisted by the owner, John Antonucci. The building had been looked at under Chapter 34, but it had failed to pass. The three-story building has a bar on the second floor. The areas were separated by an 18" brick wall, but windows in it prevented it from being used as a firewall. Following discussion, Commissioner Hawkins moved to approve, with the second by Commissioner Christoffersen. It was voted upon and carried.

Regular Variances.

Chairman Hannum called for any variances to be pulled from the block vote for individual consideration. Commissioner Brown called out variance 11-05-27JAE Hardwoods, Wolcottville, 11-05-29 Meadowview School, Topeka, 11-05-31 Hidden Cove, Shipshewana, and 11-05-40 Hoosier Pride Farms LLC Processing Facility, Bryant. Commissioner Christoffersen noted he would abstain from voting on 11-05-41 Dave's Lake Shack, Fremont. Commissioner Mitchell noted he abstained from voting on 11-05-19 VFW Lehr Post #6246, Noblesville. Commissioner Brenner noted she would abstain from 11-05-12 IU Sports Complex Parking Garage, Indianapolis. Commissioner Corey made the motion to approve the following variances with an "A" or "B" review rating by staff, with the second being made by Commissioner Christoffersen. It was voted upon and carried.

The following variances were approved as submitted:

- (1) 11-05-2 Jefferson County Courthouse, Madison
- (2) 11-05-3 Chamber of Commerce building Fire Hose Removal, Indianapolis
- (3) 11-05-6 St. Joseph Regional Medical Center, Mishawaka
- (4) 11-05-8 Meridian Shoreland Apartments, Indianapolis
- (5) 11-05-14 Nemcomed 2011 building Addition, Ft. Wayne
- (6) 11-05-15 St. Meinrad Bede Hall Renovation, St. Meinrad
- (7) 11-05-17 Hamilton Southeastern High School Soccer Restrooms/Concession, Fishers
- (8) 11-05-18(a)(b)(c) Caterpillar Tornado Shelter, Franklin
- (9) 11-05-20 Lassus Bros. Oil Convenience Store, Ft. Wayne
- (10) 11-05-21 Brightpoint Allpoints, LLC, Plainfield
- (11) 11-05-25 Johnson Junction #1, Huntington
- (12) 11-05-26 Purdue University Windsor Residence Halls Renovation Phase V, West Lafayette
- (13) 11-05-28(a)(b) Le Merigot Hotel Pedestrian Link, Evansville
- (14) 11-05-32 Oak Street Funding, Carmel
- (15) 11-05-35(a) Iotron Industries New building, Columbia City
- (16) 11-05-38 DeFouw Chevrolet, Lafayette
- (17) 11-05-43 New Castle Correctional Facility, New Castle
- (18) 11-05-45 617 E. Moody Drive Windows, Bloomington
- (19) 11-05-47 Sycamore Terrace Apartments, Terre Haute
- (20) 11-05-49 Tell City Junior-Senior High School, Tell City

The following variances were heard separately:

- (21) 11-05-1 St. Mary's Medical Center Fire Hose/Cabinet Removal, Evansville

Required information had not yet arrived in the morning mail delivery. Mara Snyder, Director of Legal

and Code Services, asked that the variance be heard later on the agenda. Chairman Hannum agreed to the request.

- (22) 11-05-7 Mother Bear's Pizza, Bloomington
11-05-36 Schenk Living Quarters, Evansville

The proponents for these applications had requested they be tabled. Commissioner Corey moved to table, with the second by Commissioner Mitchell. It was voted upon and carried.

- (23) 11-05-5 Sherman Park Building #2, Indianapolis

Clavin Holtquist

- (21) 11-04-7 Purdue University Transportation Services Fuel Island Equipment & Foundation, West Lafayette

David Kish, Purdue University, spoke as proponent. The request was to allow the installation of three above ground tanks with a total capacity of 30,000 gallons in lieu of the 18,000 gallons currently allowed. The tanks comply with the model code, UL 142 and UL 2085. They are double-walled tanks, providing internal secondary containment, and will be surrounded by curbs. Two of the tanks will contain gasoline for university fleet vehicles, and one will contain diesel fuel for fleet vehicles. Following discussion, Commissioner Brown moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried with one nay.

- (22) 11-04-8 Markel Reception Center, Markel

Johnathan and Tracy Goetz, owners, spoke as proponents. In an effort to keep downtown Markel from dying, a group had gotten together and designed a reception hall from three combined, empty buildings to keep them from being demolished when no buyers could be found at auction. The change of use required sprinklers to be installed. The structure had masonry walls and mostly slab floors. No cooking would be done on site. Existing exits were to be upgraded to comply with code and a third exit which complies with ADA requirements was to be installed. All HVAC equipment shall be new. Smoke detectors, horns and strobes will also be installed. The request was to omit sprinklers. Commissioner Hawkins asked if their architect had done a Chapter 34 review of the building. Commissioner Christoffersen explained that this type of situation, the re-use of old buildings, was what they had intended Chapter 34 to be used for. He then moved to table to allow the proponents to return with the Chapter 34 score sheet completed by their architect. Commissioner Hawkins made the second. It was voted upon and carried.

- (23) 11-04-9 New Harmony Historic Site Community House No. 2, New Harmony

Laura Minzes, Department of Natural Resources, Deputy Director Historic Site Structures, spoke as proponent. This historic building had been constructed in 1822, and is an historic landmark. The request was to allow them to change one exit door instead of all three doors as required by code. The door on the east side of the building will be provided with an ADA compliant sidewalk, and the other doors will have existing replicas of historic locks and hardware which will be operable from inside during an emergency. Commissioner Hawkins moved to approve, with the second by Commissioner Brenner. It was voted upon and carried.

- (24) 11-04-10 Youth Inc. Wired Coffee House, Evansville

Roger Lehman, RLehman Consulting, spoke as proponent. A Christian ministry for youth owns the building, a former print shop. This was still a B occupancy. They would like to put in a worship center and an event center for youth program, but this will change the occupancy and allowable area. To provide separation is economically unfeasible and to sprinkler was also not an option at this time. The upstairs contains an office, used five days per week. They have installed a complete fire alarm and smoke detection system on all floors. The building has solid wood joists with solid decking floors. The second floor entry is secured from unauthorized access from the first floor. Following discussion, Commissioner Hawkins moved to table to allow the proponent to provide the Chapter 34 score sheet. Commissioner Christoffersen made the second. It was voted upon and carried.

- (25) 11-04-11 Lakewood Home Assisted Living Facility, Petersburg

Tom Schroeder, architect, spoke as proponent. This was an existing house with a walk-out basement, full first floor and partial second floor, which the owners wish to convert to an assisted living facility. The model code would allow it to be regulated under the Indiana. The owners wished to install a vertical wheelchair lift. It is a fully enclosed "Motivator" lift with key operation, roped hydraulic, and a rated enclosure. Following discussion, Commissioner Christoffersen moved to table to allow the proponent time to provide manufacturer's specs information. Commissioner Hite made the second. It was voted upon and carried.

5. **Breaking and reconvening.** Vice-Chairman Ogle recessed the Commission at 10:11 a.m. He then reconvened the meeting, calling it back to order at 10:22 a.m.

- (26) 11-04-13(a)(c) Singer Landscape and Patio, Liberty

Dave Wheeler, architect, and Kris Singer, owner, spoke as proponents. The request in variance (a) was to omit the vestibule. The building was divided into two-thirds storage and one-third mercantile, and operated only during the summer months, with no air-conditioning to maintain. Commissioner Hawkins moved to approve, with the second by Commissioner Brenner. It was voted upon and carried. Variance (c) was a request to omit an employee toilet facility. The owners are the only employees, and live on the property. Restroom facilities are available within 225 feet of the building. Commissioner Hawkins made a motion to approve, with the second by Commissioner Christoffersen. It was voted upon and carried.

- (27) 11-04-15 Upland Brewery Relocation, Bloomington

Sherman Bynum, architect, spoke as proponent. The request was to omit the required firewall and install a 4-hour party wall instead. The wall to be attached to the floor slab and metal roof deck, while leaving the existing steel frame columns, beams, bar joist and metal deck in place. The owner wants to purchase the other portion of the building which had previously been a warehouse. Commissioner Christoffersen moved to approve, with the second by Commissioner Brown. It was voted upon and carried.

- (28) 11-04-18 Porter Memorial Replacement Hospital, Valparaiso

Gene Mierke, Otis Elevator, spoke as proponent. The machine room-less Gen-2 elevator was to have a machine room to house the belts. Specialized tools needed for inspections were to be provided to Elevator Safety Section inspectors. Commissioner Christoffersen moved to approve, with the second by Commissioner Brenner. It was voted upon and carried.

(29) 11-04-19 Dubois County 4-H Fairgrounds Addition, Huntingburg

Dan Collignon, Director, and Eric Schue, 4-H Council member, spoke as proponents. The request was to increase the size of the building to accommodate the growing program without installing a sprinkler system. To build a larger building would require the children and livestock to cross a primary access road to reach the show ring. The existing building has no interior hallways or enclosed rooms to obstruct exiting, and the sides are open with numerous exits. A nightly firewatch is maintained during the fair, with adult 4-H staff and a one child/one adult ratio for exhibitors who stay with their animals. The building is used for storage of towable RV units during the winter months. Following discussion, Commissioner Christoffersen moved to approve, with the second by Commissioner Hawkins. It was voted upon and carried, with two nay votes being cast.

(30) 11-04-20(a)(b) Children's Museum Treasures of Earth Exhibit, Indianapolis

Rod Stevens, Mid-America Elevator Company, spoke as proponent. The request in variance (a) was to allow conduits above the hoistway to remain in place. Mike Lucas, Wilhelm Construction, explained these main feeders for the building housed in 4" metal tubing, are carrying low voltage camera feeds and communication lines. The elevator is part of the entry, but not used to exit the two-story exhibit. Variance (b) was to allow a non-compliant overhead clearance/refuge area for maintenance workers and inspectors. They would have 33 inches to the bottom of the waffle slab. An auxiliary stop switch would be installed on the front of the cab top which was to be marked with "no refuge" and striping, and an operation switch in the rear so that the cab can only be operated while the person is not on the non-compliant portion of the cab roof. Commissioner Christoffersen moved to deny both variances, with the second by Commissioner Brown. The vote count was two aye and three nay; motion not carried. Following further discussion, Commissioner Hawkins moved to approve both with the conditions that 1) a bulkhead made of Type X 5/8" drywall be constructed around the conduits and only low voltage wiring was permitted, 2) the operator sequence can only be done from the rear of the cabtop, 3) increased lighting was to be installed in the hoistway, 4) the underside of the waffle slab was to be brightly painted with contrasting colors, and 5) signage warning of low clearance was to be mounted in the hoistway. Commissioner Brenner made the second. It was voted upon and passed with four aye and two nay.

(31) 11-04-21 Carmel City Center Phase 1 Building, Carmel

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The request was to be allowed to make an existing fire damper for an emergency generator in a sprinklered parking garage inoperable. The generator requires a constant source of ventilation, and if the damper closed in an emergency, this would be lost and render the generator useless. Current code, by prohibiting fire dampers in ventilation openings, addresses this conflict. Commissioner Christoffersen moved to approve, with the second by Commissioner Hawkins. It was voted upon and carried.

(32) 11-04-22 Globe Industrial Building Security System Upgrade, Fishers

Proponents were not available for questions. Mark Elder, Fishers Fire Department addressed the Commission. He noted that he was usually not in favor of mag locks, but in this case this is strictly for

the business and would be turned off during the day. He felt this was not a high life safety issue. Commissioner Christoffersen moved to approve, with the second by Commissioner Mitchell. It was voted upon and carried.

- (33) 11-04-23 The Avenue, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The request was to allow the owners to use standard kitchen counters in Type B units. Type A units will comply with regulations. The Fair Housing Act Design Manual allows this, and is considered compliant with the Fair Housing Act, though it does not comply with Chapter 11 of the 2008 Indiana Building Code. Following discussion, Commissioner Christoffersen moved to approve, with the second by Commissioner Hawkins. It was voted upon and carried.

- (34) 11-04-24 East Central Apartments, Ft. Wayne

The proponents had requested this be tabled for thirty days. Commissioner Brenner moved to table, with the second by Commissioner Christoffersen. It was voted upon and carried.

- (35) 11-04-25 New Restaurant and Bakery Remodeling, New Carlisle

Doug Trent, RTM Consultants, spoke as proponent. An existing building in downtown Carlisle was being remodeled to include a retail bakery, the bakery kitchen, and a pizza place/kitchen. Due to change of occupancy, it now was required to be sprinklered. The local water supply would not support a sprinkler system. The request was to omit sprinklers until the public water supply improves. Following discussion, Commissioner Hawkins moved to table to allow the proponent to provide information concerning the cost of the sprinkler system, an explanation of how the water supply is deficient, a time frame for an increase in the water supply, whether alcohol will be served on the top floor, and whether the building is three stories. Commissioner Brenner made the second. It was voted upon and carried.

- (36) 11-04-27 Champions Way at Eddy Street Commons, South Bend

Ed Rensink, RTM Consultants, spoke as proponent. This variance had been put into a "C" category after the staff report was created, due to a changed drawing to be reviewed by the Commission. Utilities for the townhouses will have their utilities run through easements. The sprinkler system, provided to satisfy a local zoning requirement, will be run through each unit and controlled by a single shut-off at the end of the row of units instead of individual systems for each unit. The penetration of each 2-hour wall between units will be sleeved and provided with an approved fire stop assembly to maintain the required rating. After discussion, Commissioner Christoffersen moved to approve, though he stated he was not in favor of utilities through buildings. The second was made by Commissioner Brown. It was voted upon and carried.

- (37) 11-04-29 Zionsville High School Athletic Complex, Zionsville

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. Emergency power for exterior emergency exit lighting is controlled by photosensors and motion detectors. The inspector was concerned that power didn't go immediately to the lights. It was felt that to provide constant artificial lighting was a waste of energy, so it was decided to apply for a variance. Following discussion, Commissioner Christoffersen moved to approve, with the second by Commissioner Hawkins. It was voted upon and carried.

- (38) 11-04-30(a)(b) Valle Vista Hospital Residential Unit, Greenwood

Doug Trent, RTM Consultants, spoke as proponent. The building was originally built as an I-3 occupancy, and now has a child caring institution. In variance (a), the adult psychiatric portions were to be secured, but the juvenile portion must have delayed egress. A mag lock was installed within the path of egress to deter patient elopement. The owner offered to wire the delayed egress to open the mag lock, and to have it fail open at an alarm. The local fire department did not object. Commissioner Christoffersen moved to approve with the condition that the mag locks fail open upon activation of the sprinkler system, or the fire alarm system or loss of power. Commissioner Brenner made the second. It was voted upon and carried. Variance (b) was to omit the delayed egress signage. The patients don't want to be there, and they have a high rate of elopement. Staff members of the supervised unit carry keys to over-ride the locks. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Christoffersen. It was voted upon and carried.

- (39) 11-04-32 Church of the Immaculate Conception Addition, Auburn

Timothy Callas, J & T Consulting, spoke as proponent. An existing church was to have an addition to their narthex. The Type IIB construction will be separated by a 2-hour fire wall. It was to be used as a circulation area, and no additional occupant load was to be added. The request was to omit sprinklering the addition. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Christoffersen. It was voted upon and carried.

- (40) 11-04-35 Hidden Lake Water Treatment Facility, Warsaw

Melissa Tupper, RTM Consultants, spoke as proponent. The request was to omit sprinklers in the H-3 and H-4 occupancy rooms of the water treatment plant. These rooms contain oxidizers and corrosives, and nothing flammable or combustible was to be stored there. The chemicals, stored in tanks and closed systems, have secondary containment for 110% of the contents. The building had a fire alarm and smoke detection system throughout. Following discussion, Commissioner Hite moved to approve, with the second by Commissioner Brenner. It was voted upon and carried.

- (41) 11-04-36 Vernon Manor Children's Home, Wabash

Doug Trent, RTM Consultants, spoke as proponent. This building, a licensed nursing facility, has patients diagnosed with developmental or emotional disability issues. The request was to omit horns and strobes from patient sleeping rooms. These would agitate the residents in an emergency when roused from sleep, making a safe and effective evacuation directed by staff difficult. Following discussion, Commissioner Christoffersen moved to approve if the audible and visual alarms are omitted from patient sleeping rooms only. Commissioner Brenner made the second. It was voted upon and carried.

- (42) 11-04-38 River Stone Apartment Homes Phase II, Columbus

- (43) 11-04-39 The Canyon Club at Metropolis, Plainfield

Timothy Callas, J & T Consulting, spoke as proponent. The request for both variances was to be allowed to use the trade off method of ASHRAE 90.1 when scoring for the Energy Code. Both had been calculated using this method, and both had passed ComCheck. Following discussion, Commissioner Hawkins moved that no variance was required for both, with the second by Commissioner

Christoffersen. It was voted upon and carried. Mara Snyder asked Commissioner Hawkins if he would look at Sec. 5.6 of ASHRAE 90.1, and give a report of his findings at the next Commission meeting, and he agreed.

- (44) 11-04-40 RO Building – Tate & Lyle Sagamore, Lafayette

Timothy Callas, J & T Consulting, spoke as proponent. The request was to be allowed to omit a code-required 4-hour fire wall between the existing building and the addition. The addition was to house a reverse osmosis water treatment system for the boiler water. The amount of piping needed for operation would render a fire wall useless. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Hite. It was voted upon and carried.

- (45) 11-04-42 Greenfield Central High School Safety Station/ Toilet Building, Greenfield

Ed Rensink, RTM Consultants, spoke as proponent. The request was for non-compliance with the Energy Code. The building was scheduled to be minimally heated during late fall and early spring events, and not heated or used during winter months. The building was not to be air-conditioned at all. Indiana had amended out language from ASHRAE 90.1 that would exempt structures that are “minimally heated”. Following discussion, Commissioner Christoffersen moved to approve, with the second by Commissioner Brenner. It was voted upon and carried.

- (46) 11-04-43(a)(b)(c)(d)(e) Batesville Intermediate School Additions and Renovation, Batesville

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The building was constructed prior to 1978. Variance (a) was a request to allow the use of the existing 2-hour area separation wall, which complied with the previous code, in lieu of the required 2-hour fire wall between the existing building and the addition. New construction was to be Type II-B, and the area sprinklered. The building is currently not sprinklered. Variance (b) was a request to allow the two open stairways to have a two-hour area separation wall which is not structurally independent. Variance (c) was a request to allow unrated corridors in the addition. The existing corridors are also unrated. At completion of the renovation, sixty-five percent of the building will be sprinklered. Variance (d) was to omit the accessible egress from the new second floor. The entire building will not be sprinklered, but the second floor will be protected. Variance (e) was a request to omit a second means of egress from the platform. It is made of concrete, and has no void space beneath it, and steps run the full width of the front of the platform. Following discussion, Commissioner Christoffersen moved to approve variances (a)(b)(c)(d)(e), with the second by Commissioner Brenner. It was voted upon and carried.

- (47) 11-04-46 TLA East Warehouse Expansion, Portland

Ed Rensink, RTM Consultants, spoke as proponent. A 150,000 square foot addition was to be added to an existing, sprinklered building. The request was to allow them to duplicate a variance granted for the original, metal building which allowed a sprinkler curtain to protect the wall adjoining the property line due to a lack of 60 foot side yard. It was necessary to keep the openings between the existing and the addition for production purposes. Following discussion, Commissioner Christoffersen moved to approve, with the second by Commissioner Hite. It was voted upon and carried.

- (48) 11-04-47 Saratoga Potato Chips Remodel, Ft. Wayne

Ed Rensink, RTM Consultants, spoke as proponent. Peter Margie, owner, also addressed the Commission. The request was to omit the Type-I hood required by the Mechanical Code. A telescoping hood, though not a suppression hood, had been installed over the batch fryer. There were alarms installed to sound if the oil heated beyond 330° or if the oil level dropped below a certain amount. The batch fryers do not use an open flame in the highly regulated process. When asked if any of his competitors had suppression hoods, the owner said no. The equipment had its own hood which allowed them to comply with food safety standards for accreditation, an “ISO” standard. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Hawkins. It was voted upon and carried.

- (48) 11-04-48 Unitarian Universalist Fellowship of Elkhart, Elkhart

Doug Trent, RTM Consultants, spoke as proponent. An addition to the church’s sanctuary had been designed with a two-hour separation, but had been constructed with only a one-hour separation. The request was to allow the addition to the sanctuary as built instead of complying with code. The space would not be used concurrently with the sanctuary, keeping the occupancy below 300. Following discussion, Commissioner Christoffersen moved to deny, with the second by Commissioner Mitchell. It was voted upon and carried.

- (49) 11-04-49 Morning Dove Therapeutic Riding Center Fortune Temporary Site, Zionsville

The variance application was withdrawn by Kate Murphy, Director of Operations, Morning Dove TRC.

- (50) 11-04-50(a) Steeples On Washington Apartments, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The issue in variance (a) was the same counter and cabinet issue as heard in variance 11-04-23. Commissioner Brenner moved to approve, with the second by Commissioner Hawkins. It was voted upon and carried.

- (51) 11-04-51 The Bedford Project, Bedford

Melissa Tupper, RTM Consultants, spoke as proponent. A portion of an existing building will be changing use. The first floor office, a B occupancy, will become an apartment and change to an R occupancy. The storage area on the second floor, S occupancy, will be converted into two apartments, R occupancy. They will be separated from the remainder of the building by 2-hour construction. Horns, strobes and pull stations are also being installed. The request is to allow the use of Chapter 34 only on the portion of the building which is changing occupancy. Following discussion, Commissioner Hawkins moved to approve, with the second by Commissioner Christoffersen. It was voted upon and carried.

6. **Request for Revocation of Variance 10-07-35 (Riverwalk, Evansville)**

The Agency has requested that this be tabled for thirty days. Commissioner Hawkins moved to table, with the

second by Commissioner Mitchell. It was voted upon and carried.

7. **New Business – General.**

Discussion and Possible Commission Action – Nonfinal Orders of Dismissal

Life Adult Day Academy
Administrative Cause No. 10-33
Order – Ft. Wayne Fire Department
Notice of Nonfinal Order of
Administrative Law Judge

Commissioner Hawkins moved to affirm the Nonfinal Orders of Dismissal. Commissioner Brenner made the second. It was voted upon and carried with one nay vote.

Salamonia Community Center
Administrative Cause No. 10-32
Order – Fire and Building Code Enforcement
Notice of Nonfinal Order of
Administrative law Judge

Deputy Attorney General Jim Schmidt had noted that the filing dates were such that a timely appeal might still be possible, and recommended that it be tabled until the next meeting. Commissioner Christoffersen moved to table, with the second by Commissioner Mitchell. It was voted upon and carried.

Discussion and Possible Commission Action – Appeals

Grecian Garden Restaurant
Order – Indianapolis Fire Department

Raintree Center
Order – Fire and Building Code Enforcement

Saxony Court
Order – Fire and Building Code Enforcement

Harrison County Government Center
Order – Fire and Building Code Enforcement

Roof Top Deck
Denial of Application

Bound Palace
Order – Fire and Building Code Enforcement

Commissioner Brenner moved to grant all of the appeals, with the second by Commissioner Christoffersen. It was voted upon and carried.

8. The Great American Shake Out

John Erickson, Public Information Officer for the Indiana Department of Homeland Security, presented information on the upcoming Great American Shake Out. This is an earthquake preparedness exercise being done on a national level. Our participation will be held on April 19, 2011, and is designed to help you plan and prepare your family for emergencies.

9. Comments

Mara Snyder, Director, Legal and Code Services announced that the Swimming Pool Code will become effective April 24, 2011, and the Elevator Code will become effective April 13, 2011.

10. **Adjournment.**

Vice-Chairman Ogle called for further business, and upon hearing none, he adjourned the meeting at 12:45 p.m.

APPROVED _____
Ted Ogle, Vice- Chairman